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11 \*Attorney for Petitioner Richard Lee Carmichael

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Richard Lee Carmichael,

15 Petitioner,

16 v.

17 Joe Gentry, et al.,

18 Respondents.

Case No. 2:16-cv-01142-RFB-GWF

**Unopposed motion for extension of  
time in which to file opposition to  
the State's motion to dismiss**

**(Third request)**

19 Richard Lee Carmichael respectfully moves this Court for an extension of time  
20 of thirty (30) days, from June 24, 2019, to and including July 24, 2019, in which to  
21 file an opposition to the State's motion to dismiss.  
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2. Undersigned counsel has been reviewing the motion to dismiss and Mr. Carmichael's file in an effort to comply with the Court's deadline. However, counsel respectfully suggests additional time is necessary to properly prepare the opposition to the motion to dismiss.

4. Undersigned counsel has had many professional obligations in the past weeks, including, among others, an opposition to a motion to dismiss filed on April 29, 2019, in *Elliott v. McDaniel*, Case No. 3:11-cv-00041-MMD-CBC (D. Nev.); a reply brief filed on May 3, 2019, in *Major v. Baker*, Case No. 76716 (Nev. Sup. Ct.); an oral argument held in San Francisco, California, on May 15, 2019, in *Ramet v. LeGrande*, Case No. 18-15206 (9th Cir.); an amended petition filed on May 17, 2019, in *Olsen v. LeGrand*, Case No. 3:15-cv-00367-MMD-WGC (D. Nev.); an opposition to a motion to dismiss filed on May 31, 2019, in *Barragan v. Filson*, Case No. 3:17-cv-00453-LRH.

1 CBC (D. Nev.); second-chairing an en banc oral argument held in San Francisco, Cal-  
2 ifornia, on June 19, 2019, in *Ross v. Williams*, Case No. 16-16533 (9th Cir.); and an  
3 opposition to a motion to dismiss filed on June 21, 2019, in *Murray v. Thomas*, Case  
4 No. A-19-794603-W (Nev. Eighth Jud. Dist. Ct.).

5         5.       Undersigned counsel has many additional professional obligations in  
6 the coming weeks, including, among others, an opposition to a motion to dismiss due  
7 on June 25, 2019, in *Patterson v. Gentry*, Case No. 2:17-cv-02131-JCM-GWF (D. Nev.);  
8 an opening brief due on June 27, 2019, in *Gutierrez v. Williams*, Case No. 78205 (Nev.  
9 Sup. Ct.); an opposition to a motion to dismiss due on or about June 27, 2019, in  
10 *Palmer v. Gittere*, Case No. A-19-794605-W (Nev. Eighth Jud. Dist. Ct.); an opposition  
11 to a motion to dismiss due on or about June 27, 2019, in *Cortinas v. Dzurenda*, Case  
12 No. A-19-794687-W (Nev. Eighth Jud. Dist. Ct.); an opposition to a motion to dismiss  
13 due on or about June 28, 2019, in *Guzman v. Gittere*, Case No. A-19-794600-W (Nev.  
14 Eighth Jud. Dist. Ct.); a reply on the merits due on July 8, 2019, in *Howard v. Wick-*  
15 *ham*, Case No. 3:16-cv-00665-HDM-CBC (D. Nev.); an oral argument scheduled on  
16 July 17, 2019, in *Bynoe v. Baca*, Case No. 17-17012 (9th Cir.); an opposition to a mo-  
17 tion to dismiss due on July 22, 2019, in *Richard v. Gentry*, Case No. 2:18-cv-00181-  
18 KJD-NJK (D. Nev.); and a reply on the merits due on August 7, 2019, in *Bradford v.*  
19 *Filson*, Case No. 2:13-cv-01784-RFB-GWF (D. Nev.).

20         6.       Therefore, counsel seeks an additional thirty (30) days, up to and includ-  
21 ing July 24, 2019, in which to file the opposition to the motion to dismiss. This is  
22 undersigned counsel's third request for an extension of time in which to file the oppo-  
23 sition to the motion to dismiss.

24         7.       On June 21, 2019, counsel contacted Senior Deputy Attorney General  
25 Michael J. Bongard and informed him of this request for an extension of time. As a  
26 matter of professional courtesy, Mr. Bongard had no objection to the request. Mr.  
27 Bongard's lack of objection should not be considered as a waiver of any procedural

1 defenses or statute of limitations challenges, or construed as agreeing with the accu-  
2 racy of the representations in this motion.

3 8. This motion is not filed for the purposes of delay, but in the interests of  
4 justice, as well as in the interest of Mr. Carmichael. Counsel for Mr. Carmichael  
5 respectfully requests this Court grant the motion and order Mr. Carmichael to file  
6 the opposition to the motion to dismiss no later than July 24, 2019.


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8 Dated June 24, 2019.

9 Respectfully submitted,

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11 Rene L. Valladares  
12 Federal Public Defender

13 /s/ Jeremy C. Baron  
14 Jeremy C. Baron  
15 Assistant Federal Public Defender

16  
17 IT IS SO ORDERED:

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20 RICHARD F. BOULWARE, II  
21 UNITED STATES DISTRICT JUDGE

22 DATED this 25th day of June, 2019  
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Michael Bongard.

Richard Lee Carmichael  
No. 27850  
Warm Springs Correctional Center  
PO Box 7007  
Carson City, NV 89702

/s/ Jessica Pillsbury  
An Employee of the  
Federal Public Defender